

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen DiFiore	Team: Squad #7	CCRB Case #: 202000452	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/28/2019 1:37 AM	Location of Incident: Lott Avenue and Watkins Street	Precinct: 73	18 Mo. SOL 1/28/2021	EO SOL 9/14/2021	
Date/Time CV Reported Mon, 11/04/2019 11:09 AM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/04/2019 11:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Girard Moscato	00663	933067	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Girard Moscato	Discourtesy: Police Officer Girard Moscato spoke discourteously to an individual.	

Case Summary

On November 4, 2019, IAB sent this complaint to the CCRB via IAB log number 2019-39300.

BWC was received for this case (Board Review 01). The IAB log also referenced BWC linked to what would become four other cases for the same officer. These cases are 201909593, 202000443, 202000447, and 202000450. IAB sent these videos to the CCRB while noticing a pattern of discourteous behavior during an investigation into an officer's use of BWC.

On July 28, 2019 at approximately 1:37 a.m., PO Girard Moscato, then of the 73rd Precinct, was working an overtime detail at the § 87(2)(b) development in Brooklyn. After clearing out the courtyard and while providing security to the rear of the complex, PO Moscato called an unidentified individual "ignorant" in response to a comment that he made about police and said "of course not" upon learning that the individual is not in school or employed (**Allegation A: Discourtesy**, § 87(2)(g)).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Girard Moscato spoke discourteously to an individual.

On July 28, 2019, PO Moscato was providing security to the rear of the § 87(2)(b) complex in Brooklyn. His assignment, according to what he said in his CCRB interview, was to ensure that only residents were allowed into the development (Board Review 02). On this night, multiple people had been shot and there was a massive police presence in the area.

While providing security to the development, PO Moscato voluntarily activated his BWC, which captured a conversation with an unidentified young male who claimed to be visiting the area where he grew up. At 00:35, the individual was holding his phone up near his face and pointing the camera forward as if he was recording, but it is unclear if he is recording anything. The individual says in the BWC that he is making sure that "my boy" is okay. PO Moscato tells him that he is going to be fine. PO Moscato during his interview, did not know what this was in reference to. The individual in the video expressed concerns about "killer cops," which PO Moscato dismissed, saying "that doesn't happen."

At 01:20, PO Moscato asks the individual if he works or is in school and the individual replies that he is not. PO Moscato says, "Of course not." PO Moscato said that he made this comment because of the way he was challenging PO Moscato and that he came off as ignorant based on their conversation. PO Moscato goes back and forth with the individual in conversation about this topic before the individual, at 02:05, tells PO Moscato that he is not listening to what he is saying. PO Moscato then tells him that he is listening but that the individual is "acting ignorant" and that he does not know how to follow orders. PO Moscato did not remember giving the individual any orders and noted that he was not interfering with anything that the police were doing.

PO Moscato said in his statement that he was referring to the fact that this individual did not seem to know anything about the current situation, claiming that he had to have known what was going on with the shooting due to being from the area. PO Moscato added that it made no sense for the individual to be standing near an area where there is a massive police presence in the middle of the night.

Patrol Guide Procedure 200-02 requires officers to "render our services with courtesy and civility" (Board Review 03).

PO Moscato's statement about the individual being "ignorant" was in response to a comment the individual made about police-involved shootings. Although PO Moscato added that the individual was not following orders, he did not recall giving the individual any orders and affirmed that the individual was not interfering with any police action, something that would have likely prompted an

order. § 87(2)(g)

Civilian and Officer CCRB Histories

complaints and 30 prior allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of the date of this report, the Office of the Comptroller's Office has not identified any Notices of Claims relevant to this incident.

Squad No.: 7

Investigator: Stephen DiFiore Inv. Stephen DiFiore 7/6/2020
Signature Print Title & Name Date

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

July 6, 2020 _____

Date _____

Reviewer: _____

Signature Print Title & Name Date